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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,506	03/28/2001	Dennis Sunga Fernandez	84022.0117	8534

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EXAMINER

VO, TUNG T

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

10/08/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

09/823,506

**Applicant(s)**

FERNANDEZ ET AL.

**Examiner**

Tung Vo

**Art Unit**

2621

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03/25/2009
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-69 is/are pending in the application.
- 4a) Of the above claim(s) 1-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Page No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 38-41, 44, 46-49, 52, 54, 56-58, and 62 64-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyuga (US 5,818,733) in view of Glatt (US 6,724,421) as set forth in the previous Office Action mailed on 05/20/2009.
3. Claims 38-41, 44, 46-47, 52, 54, 56-58, and 62 64-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyuga (US 5,818,733) in view of Araki et al. (US 4,737,847) as set forth in the previous Office Action mailed on 05/20/2009.
4. Claims 42 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyuga (US 5,818,733) in view of Araki et al. (US 4,737,847), and further in view of Anderson (US 5,684,476) as set forth in the previous Office Action mailed on 05/20/2009.
5. Claims 43, 45, 51, 53, 55, 59, 61, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyuga (US 5,818,733) in view of Araki et al. (US 4,737,847) and further in view of Bro (US 5,722,418) as set forth in the previous Office Action mailed on 05/20/2009.

***Response to Arguments***

6. Applicant's arguments filed 08/11/2009 have been fully considered but they are not persuasive.

The applicant argues that Hyuga determines an actual location of the object to be monitored, camera in the actual location is selected to record image of the object, and there is no disclosure in Hyuga that contemplates using any motion of the object to determine which camera is use.

The examiner strongly disagrees with the applicant. It is submitted that Hyuga teaches an extracting means of the mobile unit (1 of fig. 1) determine the location of the object using the GPS system (col. 3, lines 17-21; col. 5, lines 39-53), wherein the mobile's own location is transmitted to the controller (2 of fig. 13) to control the cameras (27~1-27~n of fig. 13; col. 3, lines 20-26). Hyuga further teaches the mobile unit and the player (1 of fig. 1), the mobile unit can be held by the player and the player moves from one to another area, which would obviously considered as the player with mobile unit is in motion, where the motion is detected and used to determine the direction and distance from the mobile unit to the cameras using the GPS system (col. 5, lines 43-46; note the GPS enables to determine orientation by calculating the direction of movement of the object as mobile unit). The disclosure of Hyuga is the same as the applicant's invention as set forth in the specification ([0127] 4. Object Analysis. Control database and software combines fixed and mobile object data to monitor object movement relative to fixed surveillance sites. Fixed detectors observe object presence within certain area, ***while mobile sensor provide more accurate location as well as object sensor data.*** Database tracks historical, current, and predicted movement of object sets, thereby facilitating object search).

The applicant further argues that Hyuga teaches a stationary object. The examiner respectfully disagrees with the applicant. It is submitted that Hyuga teaches the mobile unit (1 of fig. 1) is a portable device that would be considered as a moving object. Hyuga further teaches the mobile unit can be carried on a person such as a player, and the player moves one to another area, the combined player with mobile unit would obviously be considered as a moving object (1 of fig. 13).

The applicant further argues that Hyuga does not teach determining movement vector of a movement of the object.

The examiner strongly disagrees with the applicant. It is submitted that Hyuga teaches the combined player with mobile unit would move one area to another area (1 of fig. 13, note the mobile unit is carried by the player and the player moves from one area to another area), wherein the mobile unit device uses the vectorial information (the vectorial information is broadly interpreted as movement vector) to compute the direction and distance of its location from the image devices (27-1~27-n, 27c of fig. 13). The direction represents where the mobile unit goes to, the distance represents how far from the image device, and the vectorial information indicates the mobile unit is moving. The combination of vectorial information, direction, and distance indicates the movement of the object.

The applicant further argues Glatt does not disclose “predicting a future location of the object”.

The examiner strongly disagrees with the applicant. It is submitted that Glatt teaches the determination of the location of the object within a certain maximum movement or travel range (col. 4, lines 24-29), if the delta image is outside the maximum movement or travel range (col. 4,

lines 29-31), the computer (41 of fig. 3) instructs the slave camera (17 of fig. 3) to track the movement of the object, this disclosure indicates that the object (intruder) is moving from the maximum movement or travel range to a second movement or travel range and being tracked by the slave camera, the computer (41 of fig. 3) enables to instruct the slave camera (17 of fig. 3) to track the movement of the object within the second movement or travel range, so the computer would be able to predict the future location of the object.

The applicant argues that Araki does not disclose "predicting a future location of the object".

The examiner strongly disagrees with the applicant. It is submitted that Araki teaches predicting the moving object based on the first and second position of the object (figs. 74 and 75; cols. 25, line 60-col. 26, line 14), and the predictive object within a location that is different from the first and second positions of the object, this disclosure suggests that Araki teaches predicting the moving object.

The applicant argues that there is no teaching of "adaptive learning software or neural learning software".

The examiner strongly disagrees with the applicant. It is submitted that Bro teaches In modeling all of the expert's 200 skills are revealed and imparted to the client, employee 50 or patient. In prior versions of the subject invention, a form of computer software 16D utilizing artificial intelligence of a knowledge base in the form of software were utilized. This disclosure would obviously suggest adaptive learning software or neural learning software.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/

Primary Examiner, Art Unit 2621